**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL**

**Writ Petition No. 532 of 2005 (M/B)**

Sumant Bhushan S/o Sri Shashi Bhushan,
15/25 Inder Road, Dalanwala,
Dehradun. …… Petitioner

**Versus**

1. District Magistrate / Collector,
   Dehradun.
2. MDDA through its Secretary,
   Dehradun.
3. IBP Ltd. through its Divisional Officer,
   Divisional Office at Kamala Sadan,
   11 Chakrata Road, Dehradun. …… Respondents

Mr. Sumant Bhushan in person.
Mr. Subhash Upadhyaya, Standing Counsel for the State of Uttaranchal.
Mr. Vipul Sharma, Advocate for respondent No. 2.

**JUDGMENT**

**Coram: Hon. Rajeev Gupta, C.J.**
**Hon. P.C. Pant, J.**

**RAJEEV GUPTA, C.J. (Oral)**

Petitioner in person.

Mr. Subsash Upadhyaya, Standing Counsel for respondent No. 1.

Mr. Vipul Sharma, Advocate for respondent No. 2.

None for respondent No. 3.

They are heard.

2. The petitioner has filed this writ petition for the following reliefs:

> "a. To issue writ, order or direction in the nature of mandamus commanding the respondents no. 1 and 2 to grant the No-Objection-Certificate as per Annexure No. 1 and 2 to the present petition, within the stipulated time as fixed by this Hon'ble Court in favour of the petitioner.
>
> Or Alternatively
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> To issue writ, order or direction in the nature of mandamus commanding the respondents no. 1 and 2 to decide the applications of 5.12.03 and 9.12.03 (Annexure No. 1 and 2 the present petition) within the

stipulated time as fixed by this Hon'ble Court by reasoned orders after hearing petitioner in the matter.

b. To pass such an order which this Hon'ble Court deem fit in the facts and circumstances of the case.

c. To award the cost against the respondents no. 1 and 2 in favour of the petitioner."

3. During the course of hearing, the learned State counsel for respondent No. 1 candidly admitted that the District Magistrate, Dehradun has not passed any order on the applications for 'No Objection' (Annexures 1 and 2) so far as the request for 'No Objection' was turned down by second respondent M.D.D.A.

4. As Annexures 1 and 2 – applications for 'No Objection Certificate' were addressed to District Magistrate, Dehradun, it was necessary for District Magistrate, Dehradun to pass orders on these applications in accordance with law.

5. In this view of the matter, District Magistrate, Dehradun is directed to consider Applications for 'No Objection' (Annexures 1 and 2) and pass appropriate orders either granting or refusing 'No Objection Certificate' in accordance with law within a period of four weeks from today.

6. With the above direction, the writ petition stands disposed of.

**(P.C. Pant, J.)** **(Rajeev Gupta, C.J.)**
**24.02.2006** **24.02.2006**

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